

TITLE 326 AIR POLLUTION CONTROL BOARD

#00-69(APCB)

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from September 1, 2000, through September 30, 2000, on IDEM's draft rule language. No comments were received during the comment period.

However, during the Continuation of the First Notice of Comment Period that printed in the May 1, 2000, Indiana Register (23 IR 2109), the Sunset Reauthorization rule making, for LSA Document #00-44, a comment was directed toward 326 IAC 8-12 that is being responded to in this rule making. IDEM received comments from the following parties:

Kurt Anderson, Monaco Coach (MC)

Following is a summary of the comments received hereto and IDEM's responses thereto:

Comment: 326 IAC 8-12 imposes a mandatory time period, such as thirty (30) or forty-five (45) days in which to submit certain information, reports, or fees. By specifying an absolute time period in which to submit items within a regulation, flexibility to establish different time periods based on the specific needs of the source is lost. As a result, these regulations can result in an unnecessary burden on the regulated community. An alternative approach to achieve the purpose of the rule would be to specify the time period for submitting information on a case-by-case basis as part of the permit conditions. The approach will allow the regulated community to negotiate an appropriate time period in which to submit the specific information in question based on the source's individual circumstances.

Response: IDEM is not in a position to change reporting requirements contained in a source's permit, because the federal rules mandate the reporting requirements under the NESHAP.

Under 326 IAC 8-12-7(b)(2) concerning record keeping requirements, a source has sixty (60) days after the end of the quarter to submit compliance reports and a source may request in writing that the report period be changed to semi-annual.

IDEM believes that flexibility is present in this rule. The rule making under proposal in this document allows Jeffboat, LLC in Clark County to have the flexibility to submit one set of reports for 326 IAC 8-12 and 326 IAC 20-26 in lieu of duplicate requirements.